



HOUSING COMMISSION BRIEFING

June 7, 2006

♦ **Common Interest Communities**

The Common Interest Community Management Information Fund was created in 1993 (§ 55-529 of the *Code of Virginia*) to promote the improvement and more efficient operation of common interest communities through research and education. "Common interest communities" are developments that share property owned, leased or required by a declaration to be maintained or operated by an owners' association for the use of its members and designated as common area in the declaration. The Fund consists of annual filing fees paid by Cooperative, Condominium and Property Owners' Associations registered with the Real Estate Board. By statute, 40 percent of the monies collected annually are used to finance and promote the following:

- Information and research in the field of common interest community management and operation;
- Expedition, inexpensive procedures for resolving common interest community disputes;
- Seminars and educational programs designed to address topics of concern to community associations; and
- Other programs deemed necessary and proper to accomplish the purpose of the chapter.

The Community Association Liaison position, established by the General Assembly in 2001, serves as an information source ("point of contact") on issues relating to the governance, administration and operation of common interest communities. In order to assist those who live in, operate, or are interested in common interest communities, the Community Association Liaison is permitted to give non-binding interpretations of laws or regulations governing such communities. The Liaison's duties also include identifying associations throughout the Commonwealth that should be registered with the Real Estate Board and referring parties to public and private agencies providing alternative dispute resolution services to common interest community owners and boards.

♦ **Fair Housing**

In 1972 the General Assembly enacted Virginia's first fair housing law, similar to the fair housing law that Congress enacted under the Civil Rights Act of 1968. Since 1972, Virginia's fair housing law has been amended several times, generally to add protected classes. Today Virginia's fair housing law prohibits discrimination on the basis of race, color, religion, national origin, sex, elderliness, familial status, and handicap. Because Virginia's fair housing law includes elderliness as a protected class it is broader than the federal fair housing law. Elderliness is defined as persons over age 55. The law applies to property managers, owners, landlords, real estate agents, banks, savings institutions, credit unions, insurance companies, mortgage lenders and appraisers.

The Virginia Fair Housing Office is the investigative arm of Virginia's Fair Housing Board and Real Estate Board. The Fair Housing Board administers and enforces the Fair Housing Law for most individuals and businesses; the Real Estate Board retains jurisdiction over real estate licensees and their employees. In addition to investigating complaints, another important function that Virginia's Fair Housing Office performs is providing training and outreach. Training provided by the Fair Housing Office is interactive and can be tailored to meet specific needs, including satisfying the education requirement for the Fair Housing Board's certification program and the Real Estate Board's pre- and post-licensing education credits.

♦ **Contractors**

Formed in 1938 and composed of 13 gubernatorial appointees, the Board for Contractors is responsible for administering the statutes and regulations that pertain to the licensing and conduct of contractors, tradesman and other individual construction-related certifications. With more than 103,000 licensees and certificate holders, the Board hears nearly 800 cases per year. The Board's regulatory responsibility encompasses contractor businesses, journeyman and master plumbers, electricians, HVAC mechanics and gas-fitters, certified backflow prevention device workers, certified elevator mechanics and certified water well service providers.

The regulant population of the Board continues to grow, increasing approximately six percent each year. The largest growth last year was in Class C contractors, generally considered entry-level licensees, with a growth rate of 15 percent. Recent additions to the regulant population include certified elevator mechanics and certified water well system providers. Legislation passed in 2006 will require contractors to meet pre-license education requirements (eight hours of basic business coursework).

The Board also administers the Contractors Transaction Recovery Fund, designed to provide monetary compensation to consumers who are unable to collect on a court-ordered judgment against a licensee for improper or dishonest conduct. In 2006, the General Assembly approved legislation to allow the Department to streamline the administrative process associated with recovery fund claims, which should decrease the length of time for eligible claimants to receive payments from the Fund. The Fund has paid out approximately \$2 million since January of 2003.

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